

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Sean Snyder**  
3049 Hillgrove Avenue  
Columbus, Ohio 43223

Plaintiff,

v.

**Ohio Dept. of Rehabilitation  
and  
Correction**  
770 West Broad Street  
Columbus, Ohio 43222

Defendant.

Case No.

Judge:

Magistrate Judge:

**COMPLAINT**  
**(Jury Demand Endorsed Hereon)**

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Sean Snyder, Plaintiff, files this Complaint, hereby stating and alleging the following:

**Jurisdiction and Venue**

1. Jurisdiction is proper in the United States District Court for the Southern District of Ohio pursuant to 28 U.S.C. 1331, 1343(a) and 1367;
2. Venue is proper in this District under 28 U.S.C. 1391(b)(2). All acts complained of herein occurred within the Southern District of Ohio, Eastern Division.

3. Plaintiff has filed an EEOC Charge 532-2014-00002 for Title VII Violations and requested a right to sue letter on February 4, 2014. [Attached as Exhibit 1] Plaintiff intends to file his right to sue when he receives it but avers further delay in filing his complaint is not warranted by the delay of the EEOC in providing his right to sue.

### **PARTIES**

4. Plaintiff, Sean Snyder, hereinafter "Plaintiff" or "Mr. Snyder" or "CO Snyder", resides at 3049 Hillgrove Avenue Columbus, Ohio 43223. Plaintiff was an employee of Defendant, Ohio Dept. of Rehabilitation and Correction, hereinafter "ODRC", at all times relevant herein.
5. Mr. Snyder is male.
6. Defendant ODRC is a State of Ohio Agency. Defendant ODRC was the employer of the Plaintiff at all times relevant herein. Defendant ODRC is subject to Federal and State Law.

### **FACTS**

7. By knowledge, training and experience CO Snyder was fully qualified for the position of a Correction Officer.

8. CO Snyder had no prior discipline until the matter that resulted in his termination.
9. Warden Rhonda Richard, female terminated CO Snyder from his position as a Corrections Officer on December 18, 2012.
10. The reason given by the Warden for ODRC for my termination was excessive use of force by using pepper spray (OC) on an inmate who lunged at CO Snyder from a wheel chair.
11. There is no training or policy addressing the use of force on an inmate in a wheel chair. CO Snyder acted properly under existing policies for the circumstances.
12. Chief Hinkle does not address officers who are White and/or American born in this manner.
13. On January 4, 2013, a female supervisor, Lt. Sherrie Patrick, sprayed Inmate 391-788 while he was in his bunk secured in his cell. She used 0.25 cc. of OC Spray (Pepper spray), approximately two and a half times that CO Snyder used in his incident.

14. Lt. Sherrie Patrick is a similarly situated coworker to CO Snyder for the equal application and enforcement of the policies of excessive use of force toward inmates.
15. There is a policy of the ODRC regarding use of OC Spray (Pepper spray) on inmates while secured in their cells. The policy applies equally to all ODRC employees.
16. Lt. Patrick was found to have violated the of OC Spray and other policy violations in the same incident. Warden Rhonda Richard gave Lt. Patrick only a written reprimand. This is disparate treatment.
17. Lt. Patrick has had at least one other incident involving the violation of the policy regarding use of OC Spray as excessive use of force.
18. Warden Rhonda Richard was aware of both of Lt. Patrick's violation of the policy regarding use of OC Spray as excessive use of force.
19. Neither of these policy violations resulted in Lt. Patrick's termination.

**Count 1: Violation of Title VII of the Civil Rights Act of 1964 as Amended 42 U.S.C. 2000e, Sex Discrimination Disparate Treatment.**

20. Plaintiff hereby incorporates by reference Paragraphs 1 through 18 above as though fully set forth herein;
21. Plaintiff is male.
22. The Defendant ODRC is an employer within the meaning of the Act.
23. The Defendant treated the Plaintiff more adversely than another female coworker. Lt. Patrick, as a similarly situated coworker, committed the same or similar offenses and was not immediately terminated for the first offense.
24. As a result of the discrimination, the Plaintiff suffered damages.
25. Plaintiff states a cause of action under Title VII of the Civil Rights Act of 1964 as Amended 42 U.S.C. 2000e for Sex Discrimination Disparate Treatment.

#### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully requests this Court to grant the following relief:

Judgment for Plaintiff against the in an amount for all damages including all back pay, front pay and any benefits that would have been available, either paid or unpaid, as proven by the Plaintiff;

Compensatory to be determined at trial;

Attorney's fees and costs in bringing this action;

Injunctive relief including reinstatement; and

Such other equitable and injunctive relief as the Court shall deem just and proper.

Respectfully Submitted,  
s/ Daniel H. Klos  
Daniel H. Klos (0031294)  
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Counsel for Plaintiff

**JURY DEMAND**

Plaintiff hereby demands trial by jury in all matters triable to a jury.

Respectfully submitted,  
*s/ Daniel H. Klos*  
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Counsel for Plaintiff